
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Acumen Communication)	File No. EB-FIELDWR-13-00009105
Licensee of Station WQHT586)	
)	
Hollywood, California)	NOV No. V201332900033
)	
)	

NOTICE OF VIOLATION

Released: July 18, 2013

By the District Director, Los Angeles Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules),¹ to Acumen Communication, licensee of radio station WQHT586 in Hollywood, California. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On May 10, 2013, an agent of the Enforcement Bureau's Los Angeles Office, using direction finding techniques, located and inspected a fixed base radio and multiple mobile stations located at Community Auto Service, 6800 Melrose Ave., Los Angeles, California. On June 5, 2013, using direction finding techniques, the agent located and inspected radio station WQHT586, licensed to Acumen Communication on Cyprean Drive in Hollywood, California. The following violation was observed:

- a. 47 C.F.R. § 1.903(a): "*General rule.* Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part, except as specified in paragraph (b) of this section." At the time of the inspection the Cyprean Drive station was a repeater transmitting on 152.405 MHz, and receiving on 157.665 MHz, which is not a frequency pair authorized by this license at any location. The agent also observed that Acumen Communication programmed the Melrose Avenue base station and mobiles, which appeared to be operating pursuant to and under the authority of the

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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Station WQHT586 license, and were communicating with the Cyprean Drive repeater on the unauthorized 157.665 MHz and 152.405 MHz frequencies.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Acumen Communication must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). Furthermore, we request additional information as to how long the station operated on this non-authorized frequency pair. The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Acumen Communication to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Acumen Communication, with personal knowledge of the representations provided in Acumen Communication's response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Los Angeles Office
18000 Studebaker Rd., #660
Cerritos, CA 90703

6. This Notice shall be sent to Acumen Communication at its address of record.

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

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Charles A. Cooper
District Director
Los Angeles Office
Western Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).